

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

JAMES HAYDEN,) Case No. 1:17-cv-02635
)
Plaintiff,) Judge Christopher A. Boyko
)
vs.)
) **FILED UNDER SEAL**
2K GAMES, INC. and TAKE-TWO)
INTERACTIVE SOFTWARE, INC.,)
)
Defendants.)

DECLARATION OF ANDREW ALEXANDER

1. I, Andrew Alexander, submit this Declaration on behalf of James Hayden (“Mr. Hayden” or “Plaintiff”) in support of Brief In Support of Plaintiff’s Motion for Partial Summary Judgment.
2. I am an Attorney at the law firm Calfee, Halter & Griswold LLP.
3. Attached as **Ex. A** to this Declaration is a true and correct copy of excerpts from the deposition of Jeffrey Thomas, taken on January 24, 2020.
4. Attached as **Ex. B** to this Declaration is a true and correct copy of excerpts from the deposition of James Hayden, taken on October 30, 2019.
5. Attached as **Ex. C** to this Declaration is a true and correct copy of a Certificate Registration issued by the United States Copyright Office for “Shoulder Stars,” Registration Number VAu 1-270-802.
6. Attached as **Ex. D** to this Declaration is a true and correct copy of a Certificate Registration issued by the United States Copyright Office for “Gloria,” Registration Number VAu 1-263-888.

7. Attached as **Ex. E** to this Declaration is a true and correct copy of a Certificate Registration issued by the United States Copyright Office for “Lion,” Registration Number VAu 1-271-044.

8. Attached as **Ex. F** to this Declaration is a true and correct copy of a Certificate of Registration issued by the United States Copyright office for “Fire,” Registration Number VAu 1-287-552 and a Supplementary Registration for “Fire,” Registration Number VAu 1-365-279, which was produced in this case as HAYDEN_001594.

9. Attached as **Ex. G** to this Declaration is a true and correct copy of a Certificate of Registration issued by the United States Copyright office for “Scroll,” Registration Number VAu 1-287-545 and a Supplementary Registration for “Fire,” Registration Number VAu 1-365-277, which was produced in this case as HAYDEN_001591.

10. Attached as **Ex. H** to this Declaration is a true and correct copy of Certificate Registration issued by the United States Copyright Office for “Brother’s Keeper,” Registration Number VAu 1-292-453.

11. Attached as **Ex. I** to this Declaration is a true and correct copy of the Expert Report of Michal A. Malkiewicz.

12. Attached as **Ex. J** to this Declaration is a true and correct copy of excerpts from Defendants 2K Games, Inc. and Take-Two Interactive Software, Inc.’s Objections and Responses to Plaintiff James Hayden’s First Set of Requests for Admission.

13. Attached as **Ex. K** to this declaration is a true and correct copy of excerpts from the deposition of Jason Argent, taken on January 8, 2020.

14. Attached as **Ex. L** to this Declaration is a true and correct copy of Take-Two document produced in this case as TAKE-TWO_00004814.

15. Attached as **Ex. M** to this Declaration is a true and correct copy of Take-Two document produced in this case as TAKE-TWO_00003680-3682.

16. Attached as **Ex. N** to this Declaration is a true and correct copy of excerpts from the deposition of Anton Dawson, taken on January 22, 2020.

17. Attached as **Ex. O** to this Declaration is a true and correct copy of excerpts from the deposition of Joel Friesch, taken on January 22, 2020.

18. Attached as **Ex. P** to this Declaration is a true and correct copy of excerpts from the deposition of Corie Zhang, taken on January 10, 2020.

19. Attached as **Ex. Q** to this Declaration is a true and correct copy of excerpts from Plaintiff's Second Supplemental Objections and Answers to Defendants' First Set of Interrogatories Response to Interrogatory No. 6.

20. Attached as **Ex. R** to this Declaration is a true and correct copy of excerpts from Defendants 2K Games, Inc. and Take-Two Interactive Software, Inc.'s Objections and Responses to Plaintiff James Hayden's Second Set of Requests for Admission.

21. Attached as **Ex. S** to this Declaration is a true and correct copy of excerpts from the deposition of Dr. Ian Bogost, taken on August 30, 2021.

22. Attached as **Ex. T** to this Declaration is a true and correct copy of Take-Two document produced in this case as TAKE-TWO_00004702-4703.

23. Attached as **Ex. U** to this Declaration is a true and correct copy of Take-Two document produced in this case as TAKE-TWO_00004918-4938.

24. Attached as **Ex. V** to this Declaration is a true and correct copy of Take-Two document produced in this case as TAKE-TWO_00005212-5216.

25. Attached as **Ex. W** to this Declaration is a true and correct copy of Take-Two document produced in this case as TAKE-TWO_00005345-5347.

26. Attached as **Ex. X** to this Declaration is a true and correct copy of Take-Two document produced in this case as TAKE-TWO_00006143-6153.

I, Andrew Alexander, declare under penalty of perjury that the foregoing Declaration is true and correct.

Dated: October 25, 2021

/s/ Andrew Alexander
Andrew Alexander